
STATUTORY INSTRUMENTS

1993 No. 2665

The Agriculture (Northern Ireland) Order 1993

PART II

MILK MARKETING

Miscellaneous

Membership of the Board

19.—(1) No election of members of the Board, or of a committee under the 1989 Scheme (other than an election for the purpose of filling a casual vacancy) shall be held after 31st December 1993 or such later day as the Department may by order specify.

(2) The term of office of any member of the Board, or of a committee under the 1989 Scheme shall, instead of expiring at any other time, expire—

- (a) where property, rights or liabilities of the Board are transferred under Article 14, on the day of the transfer; and
- (b) where the 1989 Scheme is revoked by Article 4(1) without property, rights or liabilities of the Board having been transferred under Article 14, at such time as the Board is dissolved in consequence of being wound up under Article 18(2).

Levies

20.—(1) This Article applies where—

- (a) property, rights or liabilities of the Board are transferred under Article 14 in accordance with an approved scheme; and
- (b) under the scheme, any liabilities of the Board are excepted from transfer under that Article.

(2) The Department may, on the application of the Board, by order give effect to a scheme enabling the Board to require eligible producers to make contributions for the purpose of enabling it to meet its liabilities.

(3) The Department shall not make an order under paragraph (2) unless it is satisfied—

- (a) that the Board's assets are insufficient to meet its liabilities;
- (b) that the Board has taken all reasonable steps to minimise the amount required to meet its liabilities;
- (c) that there is no other reasonably practicable way of discharging its liabilities;
- (d) that the amount proposed to be raised under the scheme is reasonable; and
- (e) that the basis on which contributions are to be assessed under the scheme is reasonable.

(4) In paragraph (2), the reference to eligible producers is to the persons who, under the approved scheme, are entitled to participate in the distribution of assets of the Board by virtue of their being, or having been, registered producers.

Overriding nature of functions under Part II

21. Nothing done in pursuance of this Part by the Board, or by any member or officer of the Board, shall be taken to constitute a breach of any duty owed, apart from the provisions of this Part, to persons who are registered producers.

Functions of certain bodies in relation to agricultural marketing schemes

22. The functions—

- (a) of a committee appointed under Article 21 of the Agricultural Marketing (Northern Ireland) Order 1982⁽¹⁾ (committees of investigation); and
- (b) of the General Consumer Council for Northern Ireland under Article 7 of the General Consumer Council (Northern Ireland) Order 1984⁽²⁾,

shall not include the consideration of anything done by the Board—

- (i) by way of preparing for the coming into operation of this Part; or
- (ii) in connection with an application under this Part or the carrying out of an approved scheme.

Restriction of the Agricultural Marketing (Northern Ireland) Order 1982

23.—(1) Part II, except Article 26, of the Agricultural Marketing (Northern Ireland) Order 1982 shall cease to have effect in relation to milk.

(2) Paragraph (1) shall come into operation on the day on which Article 4(1) comes into operation.

(3) The Department shall by order certify the date of coming into operation of paragraph (1).

(1) 1982 NI 12
(2) 1984 NI 12